

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

ROOSEVELT BARNES

PETITIONER

VS.

CIVIL ACTION NO. 3:09CV363TSL-JCS

RON KING

RESPONDENT

ORDER

This cause is before the court on the report and recommendation of the United States Magistrate Judge that respondent's motion to dismiss be denied. Respondent has advised that he agrees with the findings of fact and conclusions of law made by the magistrate judge, and according, the report and recommendation is adopted as the finding of the court.

Accordingly, it is ordered that the motion to dismiss is denied.

SO ORDERED this 27<sup>th</sup> day of October, 2007.

/s/ Tom S. Lee  
UNITED STATES DISTRICT JUDGE